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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,971	02/06/2004	John Patrick Goodall	9520	7337

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,971

Applicant(s)

GOODALL ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/04 & 6/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election of Group I, Figure 1 in the reply filed on 8/22/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicant's indication that claims 1-11 read on the elected embodiment of Figure 1 is noted. However, since claim 7 is directed to Figure 2 is deemed not to read on the elected embodiment. Therefore, claim 7 has been withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected species.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the term "kit" is inaccurate and indefinite because a kit is usually referred to a container that holds two or more different items together. Claim 1 is clearly not a kit. In claims 1 and 11, the phrase "the combination of the roll-support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity" is confusion and indefinite because it has no clear meaning since a roll-holding fixture is not positively claimed. In claim 11, the term "kit" is also indefinite because there are relationship between a package, at least one roll of convolutedly wound web material, at least one roll-support adapter, an adapter container and an indicia.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Linick (3,834,636). To the extent that the Examiner can determine the scope of the claims, Linick discloses an apparatus/kit comprising at least one roll of a convolutedly wound web material (T) and at least one roll support adapter (13-15) capable of supporting the roll and capable of interfacing with a roll holding fixture (10, W) having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract).

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (5,464,170; hereinafter Mitchell'170). To the extent that the Examiner can determine the scope of the claims, Mitchell'170 discloses an apparatus/kit comprising at least one roll of a convolutedly wound web material (74) and at least one roll support adapter (10) capable of supporting the roll and capable of interfacing with a roll holding fixture having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linick (3,834,636) or Mitchell et al. (5,464,170; hereinafter Mitchell'170) in view of The Official Notice and Jones (3,770,118). Linick or Mitchell'170 discloses the kit as above having all the limitations of the claims except for a plurality of rolls of a convolutedly wound web material and the wound web material comprises a width and spaced apart lines of weakness generally transverse to the width. The Official Notice is taken of the old and conventional practice of providing a package for holding a plurality of rolls of a convolutedly wound web material and the wound web material having a width and spaced apart lines of weakness generally transverse to the width. Jones, is cited by way of example only, shows a package (10) for holding a plurality of rolls of a convolutedly wound web material (12). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of The Official Notice and Jones to modify the kit of Linick or Mitchell'170 it comprises a package for holding a plurality of rolls of a convolutedly wound web material for shipping, storage and selling the rolls for better protecting the rolls.

8. Claims 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 5 above, and further in view of Diederich (2,628,713) or

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Kessler (6,227,360). The kit of Linick or Mitchell'170 as modified further fails to show the roll support adapter being disposed within the hollow core of the roll.

Diederich shows a kit comprising at least one roll of a convolutedly wound web material (32) and the roll having a hollow core (39) and a container (31) containing a deodorant unit (20) disposed within the hollow core of the roll. Kessler teaches a kit comprising a package (10) containing a plurality of label rolls (11) with each label roll having a hollow core (15, 16) and a container (19) containing an ink holder (26). The container disposed within the hollow core of the label roll. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the kit of Linick or Mitchell'170 as modified so the roll support adapter is disposed within the hollow core of the roll to reduce the size of the package during shipping and/or handling and to reduce the cost of manufacture and also for better protecting the roll support adapted. As to claims 8-9, Kessler teaches the container (19) for holding the ink holder and the container disposed within the hollow core of the roll. As to claim 10, Kessler teaches the kit includes an indicia label (13). As to claim 11, the kit of Linick or Mitchell'170 comprises all the components as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
May 10, 2007



Luan K. Bui
Primary Examiner
Art Unit 3728